Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CC Docket No. 03-123

Request for Expedited Clarification for the Provision of and Cost Recovery for Internet Protocol Captioned Telephone Relay Service

Pamela Y. Holmes, Director
Consumer & Regulatory Affairs
Ultratec, Inc.
450 Science Drive
Madison, WI 53711
(608) 238-5400 Voice/TTY
pam.holmes@ultratec.com

Karen Peltz Strauss
3508 Albemarle Street, N.W.
Washington, D.C. 20008
202-641-3849
kpsconsulting@starpower.net

Legal Consultant for Ultratec, Inc.

Table of Contents

Summary

Ultratec, Inc. requests clarification of the Federal Communications Commission's (FCC's) rules on telecommunications relay services (TRS) with respect to the provision and reimbursement of "IP Captioned Telephone," an enhanced TRS service that is provided either partially or entirely over the Internet.

Title IV of the Americans with Disabilities Act (ADA) directed the Commission to encourage the development of improved relay technologies capable of providing relay services that are functionally equivalent to traditional voice communication telephone services. In the past, the FCC has complied with this directive in part by approving one line and two line captioned telephone service, and by approving relay services that are transported over the Internet. In the instant Request, Ultratec presents to the Commission an array of innovative captioned telephone relay services that use Internet transport methods in conjunction with computers, wireless devices and/or captioned telephone end user equipment. These methods can provide even greater telephone functional equivalency for individuals with hearing loss by improving the flexibility, portability, and affordability of captioned telephone relay services. In order to bring these benefits to consumers, Ultratec requests (1) expedited approval from the Commission for the recovery of costs associated with the provision of IP captioned telephone relay service and (2) a ruling that outlines waivers from the FCC's minimum TRS standards for this form of TRS.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
	)	CG Docket No. 03-123
Telecommunications Relay Services	)	(Formerly CC Docket 98-67)
And Speech-to-Speech Services for	)	
Individuals with Hearing and Speech Disabilities	)	
	)	
	)	
Petition for Rulemaking to Mandate	)	
Captioned Telephone	)	
	)	

Request for Expedited Clarification for the Provision of and Cost Recovery for Internet Protocol Captioned Telephone Relay Service

I. Introduction

Ultratec, Inc. hereby requests the Federal Communications Commission (FCC or Commission) to clarify that Internet Protocol (IP) captioned telephone relay service is a form of enhanced relay service eligible for reimbursement from the Interstate TRS Fund under Section 225 of the Communications Act of 1934. Ultratec's request follows the submission of a consumer petition by various organizations representing people with hearing loss to mandate captioned telephone relay service and approve Internet Protocol captioned telephone for cost recovery through the Interstate Fund.[1] That petition described at length the significant ways in which captioned telephone relay service has come to fulfill the communications needs of individuals previously underserved by traditional relay services. As that petition notes, individuals with hearing loss that prefer to use their residual hearing, including senior citizens,

[1] "Petition for Rulemaking to Mandate Captioned Telephone Relay Service and Approve IP Captioned Telephone Relay Service" (filed October 31, 2005). It is our understanding that the Petitioners will be amending their request to seek expedited approval for IP captioned telephone relay service compensation from the Interstate TRS Fund.

children with cochlear implants, and individuals with lessened hearing who do not use hearing aids at all, are far more comfortable using a telephone service where they can speak for themselves, listen to responses, and simultaneously read what the other party is saying through captions. Unfortunately, as the consumer petition also points out, restrictions imposed by the states have prevented captioned telephone relay service from reaching its entire universe of potential users. Fifteen states do not offer the service at all, and virtually all other states have restricted access for their residents.

IP captioned telephone will not only help to bring captioned telephone relay services to the millions of individuals who now have no access to these services at all; it will also significantly enhance the captioned telephone relay service experience for those who have become dependent on this form of relay as their primary form of telephone communication. This would enable the FCC to fulfill its obligation under the ADA to encourage the use of new technologies to achieve functionally equivalent telephone service.[2] This Request offers technical and other information to support an expeditious grant of approval for compensation for IP captioned telephone relay service from the Interstate TRS Fund.[3]

II. Sufficient Legal Authority Exists for an Expeditious Ruling

Ultratec believes that a full-fledged rulemaking proceeding is not necessary for the FCC to grant approval for the provision of captioned telephone relay service over the Internet. The FCC has already approved single line and two-line captioned telephone relay service for

[2] 47 U.S.C. §225 (d)(2).

[3] In a separate set of reply comments, Ultratec has provided feedback on the petitioners' request to mandate captioned telephone relay service provided strictly over the PSTN.

reimbursement, on July 25, 2003[4] and July 14, 2005,[5] respectively, finding each of these services to be within the scope of relay services envisioned under Title IV of the Americans with Disabilities Act (ADA). In addition, on April 22, 2002, the Commission approved interstate compensation for relay calls transmitted over the Internet.[6] At that time, the Commission explained that Congress's references to "telephone transmission services" in Title IV of the ADA needed to be interpreted broadly because these were intended to encompass "all transmission using telephonic equipment or devices, whether over the public network, cable, satellite, or any other means, so long as the requisite functionality is provided." Because Internet relay facilitated two way communication for deaf, hard of hearing and speech disabled consumers, and because the Commission was charged with utilizing advanced technologies to improve telephone access by these populations, the FCC concluded that Internet relay fell within the scope of the relay services covered by the ADA.

In light of these various rulings approving both captioned telephone and Internet relay, there appears to be more than ample authority to issue an expedited ruling approving compensation for the provision of IP captioned telephone service. Because IP captioned telephone is a mere extension – or combination – of these already approved services, this Request does not appear to be raise complex issues that will necessitate resolution through a rulemaking.

---

[4] *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Dkt No. 98-67, FCC 03-190, Declaratory Ruling (released August 1, 2003).

[5] *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Dkt No. 98-67, CG Docket No. 03-123, FCC 05-141, Order (released July 19, 2005).

[6] Declaratory Ruling and Second Further Notice of Proposed Rulemaking FCC 02-121, 17 FCC Rcd 7779 (2002); Order on Reconsideration, FCC 03-46, 68 FR 18825 (April 16, 2003). In June of 2004, the FCC further released a proposal to make Internet-based relay services a permanent and mandated relay service. *In the Matter of Telecommunications Services and Speech-to-Speech Services for Individuals with Disabilities*, Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, CC Dkt. No. 98-67, CG Docket No. 03-123, FCC 04-137 (June 30, 2004).

III. Benefits of IP Captioned Telephone Relay Service

There are a number of significant advantages to using IP captioned telephone, many of which are similar to those enumerated in the FCC's order approving Internet text-based relay services. These can be summarized as follows:

Portability – At present, captioned telephone users can only make relay calls from end user devices specifically designed to handle their calls. This arrangement has tied individuals to equipment located at home or in the office, and has prevented them from enjoying the portability available to hearing individuals. IP captioned telephone can change this by making access to the telephone ubiquitous for captioned telephone users. These individuals will now have the flexibility of initiating calls from any Internet-enabled computer or portable wireless device with a browser. As one leading consumer advocate explained in this proceeding, Internet-enabled captioned telephone will enable users to use the telephone in many more places than they can now. She went on to note, "I myself have a wireless phone with SMS, email and unlimited web-surfing capabilities; I also have a WiFi connection at home and a WiFi-enabled notebook computer. If I and others could easily use Internet-connected computers or wireless phones to receive captions whenever needed, that would greatly enhance our ability to communicate effectively – which also benefits the people with whom we communicate."[7] No longer bound to a single piece of equipment, in a single location, IP captioned telephone users will have freedom of movement in the workplace to better perform their job functions, the assurances of knowing they can easily call family members or friends in an emergency, and the promise of having full telephone access at hotels and other travel destinations.

[7] Comments of Dana Mulvany (December 30, 2005) at 2.

Lower Cost and Easier Availability – Since the inception of the TTY, the high cost of specialized customer premises equipment has impeded telecommunications access by people who are deaf and hard of hearing. In response, since the 1980s, states have established equipment distribution programs that disseminate free or discounted TTYs and other end user devices. Over the past two years, some of these programs also have been used to distribute captioned telephone end user devices. Unfortunately, nearly half of all states do not have any distribution program, and those that do typically have strict eligibility criteria that limit distribution to very small segments of their populations. The ability to use any Internet-enabled computer or device to access captioned telephone will save money – both for the states whose distribution programs have limited budgets, and for those consumers who either do not have access to a state distribution program or have been excluded by those programs.

Greater Accessibility – Because IP captioned telephone will allow individuals to use their computer screens to access captions, it will be able to accommodate a much wider audience of consumers. For example, individuals who are deaf-blind or have low vision will be able to enlarge or vary the caption font, alter its colors and contrast, and manipulate the amount of text displayed on the screen at any one time. Specialized hardware and software applications, including Braille output devices and specialized large font displays, already exist that can be put to further use with captioned telephone technology. Individuals with limited dexterity or who have multiple disabilities will also be able to use these applications along with captioned telephone software on their computers. Having these options will not only expand the number and range of individuals who will be able to benefit from relay services, it will improve the experience of all captioned telephone users.

Superior Use of Advanced Technology – Many employers are now replacing their analog telephone lines with digital telephone network connections which may not work with captioned telephone end user devices. Because IP captioned telephone is not reliant on analog lines, it will allow its users to take advantage of advanced and innovative technologies now being increasingly used by the general population. This will fulfill longstanding Congressional and FCC goals of ensuring that people with disabilities are not left behind as our nation makes the shift to more versatile and multi-faceted technologies.

Promotes Competition – At present, captioned telephone relay service is provided exclusively through state relay programs, wherein a specific company is chosen as the state's relay provider for all the residents of a given state. To the extent that IP captioned telephone is reimbursed exclusively through the Interstate TRS Fund, it will be subject to greater cross-industry competition that will not limit consumers to the provider chosen by their state's regulatory authority. The ability for various providers to compete for captioned telephone consumers nationwide will benefit users, both by promoting innovation and by allowing these consumers to choose providers based on the quality of their captioned telephone relay offerings.

Other Benefits – There are various other advantages of using IP captioned telephone, depending on the specific method used to provide this form of relay service. These advantages include, but are not limited to, the ability to receive calls directly from hearing callers, to add or drop captions from a call as necessary, and to more easily conduct conference calls.

IV. Methods of Providing IP Captioned Telephone

Ultratec has developed a number of methods for delivering captioned telephone service via IP connections that are ready for deployment upon the FCC's approval. These can include the use of a computer, personal desk assistant (PDA), cell phone or customer premises equipment specifically designed to receive captions, such as a CapTel device. In addition, voice and text can be transported either exclusively over the Internet, or by using a combination of IP and public switched telephone network (PSTN) circuits. A full description of the various methods of providing captioned telephone via the Internet is contained in Appendix A (which has been redacted from the public version of this document).

V. Clarification Requested on Minimum Standards That are Not Applicable to IP Captioned Telephone

The FCC's Declaratory Ruling approving reimbursement for captioned telephone relay services contained various waivers of the agency's TRS minimum mandatory standards. These waivers fall into two categories, those that are permanent, i.e., they "inherently do not apply" to captioned telephone relay service, and those that are contingent upon the filing of annual reports due over a three year period. Permanent waivers exist for the provision of speech-to-speech relay service, hearing carryover, outbound 711 calls, gender preference, call release, and the handling of calls in ASCII and Baudot formats. Conditional waivers exist with respect to the handling of single or sequential calls for outbound calls and communications assistant (CA) competency in the interpretation of typewritten ASL. In addition, captioned telephone providers are permitted to use voice recognition technology to meet CA competency skill requirements and oral-to-text tests instead of oral-to-type tests to assess CA speed. Ultratec requests the FCC to make all of the above waivers applicable to IP captioned telephone relay

services on a *permanent* basis, because, for the most part, the standards being waived have no relevance to captioned telephone relay service.[8]

Ultratec also requests the FCC to apply the waivers that currently exist for Internet relay services to IP captioned telephone relay services. In addition to those that are enumerated above, these include emergency call handling (until 2008 or such time that an emergency handling rule for IP-based relay providers goes into place), equal access to interexchange carriers, 900 pay-per-call telephone services, VCO to TTY, HCO to TTY, VCO to VCO, and HCO to HCO.[9]

VI. Conclusion

Captioned telephone offers a phone experience that best approximates the experience of conventional voice calls for millions of individuals with hearing loss. Consumers now need this service to be made available via IP connections. Among other things, individuals in the workplace need to be able to use their office lines without relying on analog transmissions. Approval of IP-based captioned telephone service will allow the many benefits of high speed broadband and voice over Internet Protocol to finally be realized across the United States.

---

[8] The only exception to this may be waivers concerning the use of voice recognition technology to meet CA competency skill requirements and the use of oral to text tests. These waivers may not apply to future competitors, if those competitors use different technologies to provide captioned telephone service. Nevertheless, captioned telephone providers should have the option of using both voice recognition technology and oral to text tests so long as these methods produce real-time captions that are both accurate and fast enough to keep up with the speaker's conversational speech.

[9] The references here are to traditional VCO, not captioned telephone VCO. While the current TRS regulatory structure necessitates the above waiver requests, as noted, many of the standards for which waivers are now being sought (such as HCO and speech-to-speech relay service) have no application to captioned telephone. Rather than having to continue entertaining waiver requests for these inapposite standards, it may be more practicable for the FCC to establish a new TRS regulatory structure that divides its TRS rules by relay service type (captioned telephone, VRS, Internet relay, speech to speech, etc.). This approach would allow the FCC to articulate for providers and the public the standards that *do apply* to each type of relay service, largely eliminating the need to grant waivers for standards that have no relevance to specific forms of relay.

As the nation's communications infrastructure rapidly shifts from reliance on the PSTN to the Internet, the FCC has an obligation, under Section 225 of the Communication Act, to ensure that individuals with hearing loss are able to benefit equally from newly emerging technologies.[10] IP captioned telephone will achieve this objective by providing real-time captioning of telephone conversations in a manner that maximizes the flexibility, portability and affordability of this service. We urge expedited review and resolution of this Request, both because previous FCC orders have already approved captioned telephone relay service and Internet relay service (eliminating any complications that could otherwise impede a speedy decision of this Request) and because consumers should not have to wait long to benefit from the extraordinary advantages offered by this version of captioned telephone.

Respectfully submitted,

/s/

Pamela Holmes
Director of Consumer and Regulatory Affairs
Ultratec, Inc.
450 Science Drive
Madison, WI 53711
(608) 238-5400

By: Karen Peltz Strauss
KPS Consulting
3508 Albemarle Street, N.W.
Washington, D.C. 20008
202-641-3849
kpsconsulting@starpower.net

Legal Consultant

January 17, 2006

[10] 47 U.S.C. §225(d)(2).

APPENDIX A

Confidential and Proprietary

(Material redacted from public document in accordance with Section 0.459)

Request for Expedited Clarification for the Provision of and Cost Recovery for Internet Protocol Captioned Telephone Relay Service

Ultratec, Inc.
450 Science Drive
Madison, WI 53711
(608) 238-5400 Voice/TTY